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David L. Fehrman
Morrison & Foerster LLP
35th Floor
555 W. 5th Street
Los Angeles, CA 90013

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OFFICE OF PETITIONS

In re Application of :
Toshima et al. :
Application No. 10/606,135 : DECISION GRANTING PETITION
Filed: June 25, 2003 :
Attorney Docket No. 199372002501 :

This is a decision on the petition filed August 23, 2004, requesting that the above-identified application be accorded a filing date of June 25, 2003, with pages 41, 47, 51 and 68 of the specification as part of the original disclosure.

On June 25, 2003, applicants filed the above-identified application. On August 2, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of June 25, 2003, and advising applicants that pages 41, 47, 51 and 68 of the specification appeared to have been omitted.

In response, on August 23, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of "Specification (72pp), including 50 original claims and 1-page Abstract." Additionally, applicants submitted pages 41, 47, 51 and 68 of the specification.

Upon review of the record, pages 41, 47, 51 and 68 of the specification deposited on June 25, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 25, 2003, included pages 41, 47, 51 and 68 of the specification, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including

pages 41, 47, 51 and 68 of the specification, was complete on filing and will be granted a filing date of June 25, 2003.

Accordingly, the petition is granted.

The Notice of Omitted Items mailed on August 2, 2004, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 03-1952.

The Office of Initial Patent Examination is directed to **accorded the above-identified application a filing date of June 25, 2003**, using the application papers submitted on that date, and pages 41, 47, 51 and 68 of the specification submitted on August 23, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions